

THOMAS E. FRANKOVICH (State Bar #074414)
 THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION
 4328 Redwood Hwy, Suite 300
 San Rafael, CA 94903
 Telephone: 415/444-5800
 Facsimile: 415/444-5805

Attorneys for Plaintiff CRAIG YATES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual,

Plaintiff,

v.

ORIGINAL BUFFALO WINGS; THE
 UNG CORPORATION, dba ORIGINAL
 BUFFALO WINGS; PATRICIA
 MONTAGUE, an individual; and
 PATRICIA MONTAGUE, as trustee of the
 PATRICIA MONTAGUE FAMILY
 TRUST of 2004,

Defendants.

CASE NO. CV-10-3582-~~EMC~~

**STIPULATION OF DISMISSAL AND
~~[PROPOSED]~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice
4 pursuant to Federal Rules of Civil Procedure section 41(a)(1).

5 This stipulation may be executed in counterparts, all of which together shall constitute
6 one original document.

7
8 Dated: January 9, 2012

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

9
10
11 By: /s/ Thomas E. Frankovich
12 Thomas E. Frankovich
13 Attorney for Plaintiff CRAIG YATES, an
14 individual

15
16
17 Dated: _____, 2012

BRENDA CRUZ KEITH, LAWYER

18 By: _____
19 Brenda Cruz-Keith
20 Attorney for Defendant ORIGINAL BUFFALO
21 WINGS, INC. THE UNG CORPORATION, dba
22 ORIGINAL BUFFALO WINGS;

23
24
25
26
27
28
SIGNATURES CONTINUED ON NEXT PAGE

///

///

///

///

///

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
their designated counsel that the above-captioned action be and hereby is dismissed with
prejudice
pursuant to Federal Rules of Civil Procedure section 41(a)(1).

This stipulation may be executed in counterparts, all of which together shall constitute
one original document.

Dated: _____, 2012

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

By: _____
Thomas E. Frankovich
Attorney for Plaintiff CRAIG YATES, an
individual

Dated: Jan 5, 2012

BRENDA CRUZ KEITH, LAWYER
By: [Signature]
Brenda Cruz-Keith
Attorney for Defendant ORIGINAL BUFFALO
WINGS, INC. THE UNG CORPORATION, dba
ORIGINAL BUFFALO WINGS;

SIGNATURES CONTINUED ON NEXT PAGE

///

///

///

///

///

1 Dated: Jan 9, 2012

JEFFREY HARTSFIELD BELOTE,
MORRIS POLICH & PURDY LLP

By: 

Jeffrey Hartsfield Belote

Attorneys for Defendants PATRICIA
MONTAGUE, an individual; and PATRICIA
MONTAGUE, as trustee of the PATRICIA
MONTAGUE FAMILY TRUST of 2004

10 **ORDER**

11 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
12 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for
13 the purpose of enforcing the parties' Settlement Agreement and General Release should such
14 enforcement be necessary

15 Dated: 01/10, 2012

